



ORAL JUDGEMENT

Admit. With the consent of the learned advocates, the appeal is finally heard today.

By an order dated 25.4.2000, Motor Accidents Claim Tribunal (Main), Bhavnagar, has awarded a sum of Rs. 50,000/- to respondents Nos. 1, 2 and 3. Late Shri Kamlesh Naranbhai Davda was driving a motorcycle and it has been held by the Tribunal that late Shri Kamleshbhai was also liable to pay compensation. It has been submitted that late Shri Kamleshbhai is not having any estate as he was not doing anything and the present appellants are parents of late Shri Kamleshbhai Davda and they have been made liable to pay compensation, which late Shri Kamleshbhai Davda was liable to pay.

It is not in dispute that the present appellants, namely, parents of late Shri Kamleshbhai Davda are not liable to make any payment towards compensation. If there is any estate of late Shri Kamleshbhai Davda, the amount of compensation to be paid by late Shri Kamleshbhai Davda can be recovered, but if there is no estate left, the present appellants cannot be made liable to pay any amount which was payable by late Shri Kamleshbhai Davda.

In the circumstances, it is ordered that the present appellants shall not be personally liable, either jointly or severally, for payment of a sum of Rs. 50,000/- or part thereof to the claimants, i.e., respondents Nos. 1, 2 and 3. So far as liability of other respondents are concerned, they remain unchanged by virtue of this order.

The appeal stands disposed of as allowed to the above extent with no order as to costs.

(A.R. Dave, J.)

(hn)